IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CONTEMPT PETITION NO.138 OF 1997
IN
A.O. NO.1103 OF 1996

M/s. Patson Construction
and another .... Petitioners
Vs.
Gagangiri Premises Co-op. Society
Ltd., and others .... Respondents

Sarvasri A.S. Rameshnan h/for S.M. Shah
for the Petitioners.

Shri G.V. Nagarsheth for the Respondents.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: NOVEMBER 30, 2004

P.C:

1. The request for adjournment of the hearing on behalf of the petitioners is rejected.

2. The learned Advocate for the respondents has stated that during the pendency of the proceedings, the parties have arrived at a settlement and the dispute between the parties no more subsists.

3. Perusal of the records disclose that the grievance of the petitioners related to non-compliance of the interim relief granted in an application for temporary injunction.

4. Once the dispute is stated to have been settled between the parties, question of pursuing with the grievance relating to non-compliance of the interim relief does not arise at all. In any case, there was no grievance about non-compliance of the interim relief. The parties were not forbidden from proceeding under Order 39, Rule 2-A of the C.P.C. and for that purpose there cannot be a justification for proceeding for contempt of Court under the Contempt of Courts Act, 1971.

5. In any case, since the parties are stated to have settled the matter, no purpose will be served in proceeding with the matter for contempt of Court against the respondents and hence the proceedings stand disposed of and the notice stands discharged.